

From:NATL RECOVERY

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Application # 09/667,408 Multifunction Dataport Reply to Office Action of 11/02/2006

January 16, 2007

Mr. John Hayes, Supervisor Patent Examiner

Mr Igor Borissov, Examiner

Art Unit 3639

United States Patent and Trademark Office

Via Fax 571-273-6708 (6 pages)

Dear Mr. Hayes and Mr. Borissov,

I appreciate Mr. Hayes returning my telephone call when I was unable to contact Examiner Igor Borissov at 571-272-6801. I have delayed any response to the Office Action mailed on November 2, 2006 since I had an operation on October 31, 2006 that resulted in a bone chip pinching my spinal cord and causing partial paralysis.

There has been a misunderstanding about the telephone call on September 27, 2006 between Examiner Igor Borissov and the Applicant, Charles Roos. There was no agreement to withdraw Claims 34, 35, 38, 40 and 42-58 from consideration by the Examiner. The Examiner asked the Applicant to select either Claim 30 or Claim 41 for examination. I was frankly surprised by the Office Action of Nov. 2, 2007 since I had modified the claims in accordance with Examiner Borissov's suggestions in his communication of May 12, 2006. It should be noted that the Examiner has already allowed all of these claims when he earlier raised the restriction objection as per the U S Patent Manual.

In accordance with the suggestion of Mr. Hayes, I have revised Claims 30 and 31 to include material that was implied in the preamble for these two claims. The Examiner has rejected Claim 31 under 35 USC 112 for being indefinite as to the invention. Claim 31 has been

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revised to more clearly state the use of the multifunction dataport as a high speed switching device between Internet users. This is a definition of an Internet router, which is a term of art.

Claim 30 was revised to state minimum data rates. This should clearly overcome the Examiner's objection based on Tracy's use of the limited access channel for cellular telephones. The Examiner has rejected Claims 30, 33, 36 37 and 41 under 35 U.S.C. 103(a) as being unpatentable over Tracy et. al. (U S 6,150, 955). This '955 patent makes use of the digital control channels used for address identification in PCS, GSM or TDMA telecommunication networks. A digital service network that includes the Internet has over a million times faster rates of data transmission than the control channel scheme taught by Tracy. Tracy explicitly teaches the use of a very limited communication channel that differs from Internet rates of data transmissions by many orders of magnitude.

Roos (U.S. 5,699,276) first taught the use of the utility meter interface apparatus to provide the interface between the Internet and a device inside of the home. Since the '276 patent application was well known to the USPTO prior to Tracy's filing date for the '955 patent; the USPTO has already ruled there are significant differences between the limited use of the telecommunication control channels that are only able to transmit occasional meter readings and the '276 interface apparatus that is able to process multiple data streams at Internet rates. The multifunction dataport is a broadband device that has many security features that prevent fraud and identity theft in Internet financial transactions. To claim Tracy is comparable to a broadband Internet dataport is like claiming there is no difference between the telephone and the telegraph since both use electric pulses for communication.

I am enclosing a copy of an article published in the Wall Street Journal on January 2<sup>nd</sup> 2007. This article makes reference to new Federal security guidelines that require online banks

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to have means to positively identify the computers used for Internet financial transactions in order to reduce identify theft. Is this article adequate to establish the need for a secure computer for financial transactions or do I need to incorporate the FDIC regulations by reference?

Clearly a multifunction dataport that reads and stores the household's utility usage has information which would be very difficult for an identify theft to fake. The said dataport also has a registered identification code with the utility and it can provide information on its location in the utility user's household. The specific invention is a communication hub that has multiple means of positive identification. It is the security features that make the dataport unique for all financial transactions using the Internet. Prevention of identify theft and fraud are important uses for the multifunction dataport that help make this invention different from all other devices that only read meters and communicate utility information between the utility and its customer.

The security features of the dataport provide the specific invention under 35 USC 121 that secures Internet financial transactions. The present invention has far more capabilities than even the '276 utility meter and it makes use of security features that provide a positive identification of the device that is communicating with the Internet. This ability to provide the location of the dataport and a continuous read of utility usage makes identity theft much more difficult. In one embodiment of this invention, a GPS sensor is also used to positively identify the location of the dataport. The ability to record, store and transmit utility meter readings is just ONE of many functions of the multifunction dataport. It is a secure electronic gateway to the home that has protections from identify theft and that can provide critical emergency communication.

The Applicant has taken advantage of his right to ask the Examiner for help to clarify the claims. He has met with the Examiner and his Supervisor and modified the claims in

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accordance with their suggestions. This patent application was filed over 5 years ago and the communications about restriction implies that the Examiner has already allowed the claims. For the Examiner at this point to object to any of the wording of claims or to suggest that the Applicant agreed to drop Claims 34,35, 40 and 42-58 is to say the least surprising.

The enclosed article from the Wall Street Journal clearly states the need for the invention of said multifunction dataport which is able to provide positive identification of the computer used for Internet financial transactions. Utilities do not need to scramble meter readings or include Global Position Systems and it would not be obvious to those skilled in the art to add the extra cost of these security features to a device designed to read utility meters. The security features of said multifunction dataport are critical for Internet financial transactions and for confidential data transmissions and help make it an unique useful invention.

Once again, if the Applicant has failed to clearly distinguish the claims of the present invention he formally requests the aid of the Examiner. The patent specifications detail many features which distinguish the multifunction dataport from the many automatic meter reading patents.

Respectively submitted,

*Charles E. Roos*

Charles E. Roos, Applicant